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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,641	05/27/2005	Pierluigi D'Alessandro	853563.445USPC	4712
38106 7590 07/07/2010 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104-7092				
EXAMINER				
SHAIL, TANMAY K				
ART UNIT		PAPER NUMBER		
2611				
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07/07/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/536,641

**Applicant(s)**

D'ALESSANDRO, PIERLUIGI

**Examiner**

TANMAY K. SHAH

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-21 and 27-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22 - 25 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is in response to the restriction requirement to application 10/536,641 filed on 6/8/10. Elected claims 22 – 26 without traverse have been examined.

#### *Response to Arguments*

2. Applicant's arguments with respect to claims 22 - 26 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22 – 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiss (**US 2002/0097812**) in further view of Alcock (**US 2002/0159539**) in further view of Petre et al. (**US 2003/0095529**).

Regarding claim 22, A receiver for estimation and compensation of phase imbalance or gain imbalance, the receiver comprising:

Wiss teaches a first circuit adapted to estimate the phase imbalance or gain imbalance of I and Q components of an incoming complex signal prior to symbol synchronization (i.e. as shown in Fig. 5, it receives the modulated input signal and then demodulates it and compensate the I and Q or gain

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**and phase imbalance, it is inherent to one of the ordinary skilled in the art that the synchronization is done after compensation), and**

a second circuit that receives as inputs the uncompensated I and Q components and the output of the first circuit and outputs the compensated I and Q components (i.e. **circuit shown in Fig. 5 receives the first and second uncompensated I and Q components and outputs rebalanced I and Q**). However does not specifically disclose a first that the input is a QPSK modulation circuit based on a complex scrambling code and a first circuit adapted to generate as an output a ratio of the product of compensated I and Q components and the square of the compensated I component.

Petre teaches the receiver which receives the QPSK modulated signal with a complex scrambling code (i.e. **QPSK data modulation, real orthogonal Walsh-Hadamard spreading codes of length N=12 along with a random overlay code for scrambling whose period measures, paragraph 229**).

It would have been an obvious matter of design choice to one skilled in the art at the time the invention was made to use QPSK modulation provided by the inventor since applicant has not disclosed that this solves any stated problem or is anything more than hardware choice. A person of ordinary skill in the art would find obvious for the purpose of modulation and transmission. In re Dailey and Eilers, 149 USPQ 47 (1966) see MPEP 2144.04.

Alcock teaches a first circuit adapted to generate as an output a ratio of the product of compensated I and Q components and the square of the compensated I component (i.e. **examiner interpreted broadly, as a ratio of Q**

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and I, (ratio of product of I and Q and square of I component can be seen as a ratio of Q and I), The amplitude of the signal is given by the magnitude of the vector, and the phase is given by the arc tangent of the ratio of the signals in the Q (real) and I (imaginary) channels, i.e.,  $\tan^{-1}(Q/I)$ , paragraph 10).

It would have been an obvious matter of design choice to one skilled in the art at the time the invention was made to compensate I and Q imbalance provided by the inventor since applicant has not disclosed that this solves any stated problem or is anything more than hardware choice. A person of ordinary skill in the art would find obvious for the purpose of correcting I and Q component. In re Dailey and Eilers, 149 USPQ 47 (1966) see MPEP 2144.04.

Regarding claim 23, Wiss and Petre with Alcock teaches the receiver of claim 22,

Wiss further teaches wherein the first circuit receives as input the I and Q components of the complex signal after demodulation and compensation (i.e. as shown in Fig. 5, the rebalanced I and Q is being fed back to the compensation circuit).

Regarding claim 25, Wiss and Petre with Alcock teaches the receiver of claim 24,

Wiss further teaches synchronizer having inputs coupled to the outputs of the second circuit (i.e. as described above, the first and second circuit

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**(estimation and compensation) and output is being feedback), the synchronizer comprising a UMTS synchronizer (does not specifically disclose it is a WCDMA receiver, but since it receives multi carrier signal it can be implemented in WCDMA (MUTS) receiver).**

It would have been an obvious matter of design choice to one skilled in the art at the time the invention was made to use UMTS synchronizer provided by the inventor since applicant has not disclosed that this solves any stated problem or is anything more than hardware choice. A person of ordinary skill in the art would find obvious for the purpose of synchronizing. In re Dailey and Eilers, 149 USPQ 47 (1966) see MPEP 2144.04.

5. Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiss (**US 2002/0097812**) in further view of Alcock (**US 2002/0159539**) in further view of Petre et al. (**US 2003/0095529**) in further view of **Richards et al. US (6,289,048)**.

Regarding claim 24, Wiss and Petre with Alcock teaches the receiver of claim 22,

However does not specifically disclose that the filter is a low-pass filter.

Richards teaches a low pass filter for low pass filtering the signal (i.e. **118 – 124 of Fig. 3**).

It would have been an obvious matter of design choice to one skilled in the art at the time the invention was made to use low-pass filter as provided by the

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inventor since applicant has not disclosed that this solves any stated problem or is anything more than hardware choice. A person of ordinary skill in the art would find obvious for the purpose of filtering unwanted noise. In re Dailey and Eilers, 149 USPQ 47 (1966) see MPEP 2144.04.

***Allowable Subject Matter***

6. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TANMAY K. SHAH whose telephone number is (571)270-3624. The examiner can normally be reached on Mon-Thu (7:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TANMAY K SHAH/  
Examiner, Art Unit 2611

/David C. Payne/  
Supervisory Patent Examiner, Art Unit 2611